

04CR-16-370-2

**SEARCH WARRANT RETURN**

**IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS**


I received the attached Search Warrant originally on the 4<sup>th</sup> day of December, 2015, and also obtained a Search Warrant Extension on January 29<sup>th</sup>, 2016, and have executed it as follows:

On the 4<sup>th</sup> day of December, I served a copy of the original search warrant on Amazon and then served the Search Warrant Extension on January 29<sup>th</sup>, 2016 due to Amazon not complying with our search warrant in its entirety. Amazon eventually complied with the search warrants on February 8<sup>th</sup>, 2016, but only supplied a portion of what was requested in both search warrants.


The following is an inventory of the property taken pursuant to the warrant:

**Account Holder Information for James Bates and Purchase History**

I swear that this inventory is a true and detailed account of all the property taken by me on the Search Warrant.

  
313  
\_\_\_\_\_  
Det. Corporal Josh Woodhams  
Bentonville Police Department

Subscribed and sworn to and returned before me this 18<sup>th</sup> day of April, 2016

  
\_\_\_\_\_  
HONORABLE JUDGE  
*Brad Warren*

**FILED**  
2016 APR 18 AM 10 59  
BRENDA DESHIELDS  
CLERK AND RECORDER  
BENTON COUNTY, AR.

04SW-16-162

**EXTENSION FOR SEARCH WARRANT**

**IN THE BENTON COUNTY CIRCUIT COURT**

STATE OF ARKANSAS     )  
                                      ) ss  
COUNTY OF BENTON     )

TO ANY SHERIFF, CONSTABLE OR POLICE OFFICER IN THE STATE OF  
ARKANSAS:

FILED  
2016 APR 18 AM 10 59  
BRENDA DESHIELDS  
CLERK AND RECORDER  
BENTON COUNTY, AR.

Affidavit having been made before me by Detective Corporal Josh Woodhams, Bentonville Police Department, Criminal Investigations Division, has reason to believe that Amazon.com is in possession of records related to a homicide investigation being conducted by the Bentonville Police Department,

there is now being retained certain records, namely electronic data in the form of audio recordings, transcribed records, or other text records related to communications and transactions between an Amazon Echo device (FCC ID ZWJ-0823) that was located at James A. Bates' residence of 3502 SW Elm Manor Avenue in Bentonville, Arkansas, and Amazon.com's servers and other computer hardware maintained by Amazon.com in another location, between the time period of November 21<sup>st</sup>, 2015, at 0001 Hours Central Standard Time and November 22<sup>nd</sup>, 2015, at 2359 Hours Central Standard Time,

which are stored and maintained by Amazon.com, as well as the purchase and billing history for the Amazon Echo device, the IP Address associated with Amazon Echo device utilized by **James A. Bates (White/Male, DOB: 06/05/1984) (Email Addresses: jamesbates84@gmail.com; jaber84@aol.com; jaber84@gmail.com; jaber84@yahoo.com; and any other possible email associated with the above mentioned subject)**, the Subscriber information for James A. Bates with Amazon, including all Subscriber information to include name, tax identification number (social security number or employer identification number), the physical address, mailing addresses, residential addresses, business addresses, e-mail addresses and any other address information, the credit information obtained or used by the company to grant account status, all phone numbers associated with account, billing records, all payments to include method, date and time of payments, and location (store name, address, and phone number of location where payment(s) were made), all Authorized users on the associated account, activation date and termination date of each device associated with the account and above listed device, types of service subscriber(s) utilized and services subscribed to, the make, model, and serial number associated with the above listed device including any and all equipment changes or device services for the life of the account, and all customer service and account notes,

which is evidence of the crime of Murder in the Second Degree, in violation of Ark. Code Ann. 5-10-103, et. Seq,

and I am satisfied that there is probable cause to believe that the data so described is being concealed within the storage facilities above described and that the for foregoing grounds for application for issuance of the search warrant exists. The Court further finds that there is reasonable cause to believe:

~~\_\_\_\_\_~~ That the place to be searched is difficult of speedy access.

☒ That the objects to be seized are in danger of imminent removal.

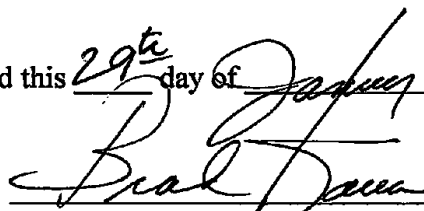
~~\_\_\_\_\_~~ That the warrant can only be safely or successfully executed at nighttime or under circumstances, the occurrence of which is difficult to predict with accuracy.

~~\_\_\_\_\_~~ That the officers are authorized to serve this warrant without complying with the "knock and announce" provision.

**Non-Disclosure-** It is hereby ordered that the served party, Amazon.com, and any other involved parties, shall not supply information of this search warrant to anyone other than those necessary to comply with this search warrant.

YOU ARE HEREBY COMMANDED to search within a reasonable time, not to exceed sixty (60) days, the storage facilities described above, for the property specified, serving this warrant and making this search between the hours of 6:00 a.m. and 8:00 p.m. and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property within the time as required by law, not to exceed five (5) days after execution of the warrant.

Dated this 29<sup>th</sup> day of January, 2016.

  
HONORABLE CIRCUIT JUDGE Brad Karren

REPORT #2015-39460

**EXTENSION OF SEARCH WARRANT**

**AFFIDAVIT FOR SEARCH WARRANT**

**IN THE BENTON COUNTY CIRCUIT COURT**

STATE OF ARKANSAS     )  
  ) ss  
COUNTY OF BENTON     )

BEFORE THE HONORABLE CIRCUIT JUDGE

The undersigned being duly sworn deposes and says: That he, Detective Corporal Josh Woodhams, Bentonville Police Department, Criminal Investigations Division, has reason to believe that Amazon.com is in possession of records related to a homicide investigation being conducted by the Bentonville Police Department,

there is now being retained certain records, namely electronic data in the form of audio recordings, transcribed records, or other text records related to communications and transactions between an Amazon Echo device (FCC ID ZWJ-0823) that was located at James A. Bates' residence of 3502 SW Elm Manor Avenue in Bentonville, Arkansas, and Amazon.com's servers and other computer hardware maintained by Amazon.com in another location, between the time period of November 21<sup>st</sup>, 2015, at 0001 Hours Central Standard Time and November 22<sup>nd</sup>, 2015, at 2359 Hours Central Standard Time,

which are stored and maintained by Amazon.com, as well as the purchase and billing history for the Amazon Echo device, the IP Address associated with Amazon Echo device utilized by **James A. Bates (White/Male, DOB: 06/05/1984) (Email Addresses: jamesbates84@gmail.com; jaber84@aol.com; jaber84@gmail.com; jaber84@yahoo.com; and any other possible email associated with the above mentioned subject)**, the Subscriber information for James A. Bates with Amazon, including all Subscriber information to include name, tax identification number (social security number or employer identification number), the physical address, mailing addresses, residential addresses, business addresses, e-mail addresses and any other address information, the credit information obtained or used by the company to grant account status, all phone numbers associated with account, billing records, all payments to include method, date and time of payments, and location (store name, address, and phone number of location where payment(s) were made), all Authorized users on the associated account, activation date and termination date of each device associated with the account and above listed device, types of service subscriber(s) utilized and services subscribed to, the make, model, and serial number associated with the above listed device including any and all equipment changes or device services for the life of the account, and all customer service and account notes,

which is evidence of the crime of Murder in the Second Degree, in violation of Ark. Code Ann. 5-10-103, et. Seq,

and that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows;

The records of the Bentonville Police Department reflect that on Sunday, November 22<sup>nd</sup>, 2015 at 0937 hours, Officers Andrew and Adam Corbett responded to 3502 SW Elm Manor Avenue, in reference to a death investigation. Dispatch advised James Bates contacted the police department via 911 to report Victor Collins was found deceased in the hot tub on the back patio at his residence.

Officer Andrew Corbett was first to arrive on the scene and entered the residence with Bentonville EMS. EMS advised at 0941 hours that Victor was deceased and they would not be rendering medical aid.

Officer Adam Corbett arrived shortly after and entered the residence and made contact with James Bates who was in the kitchen near the backdoor of the house. Adam asked James to have a seat in the living room and explain the events of what had occurred. James stated that he lives at the residence with his five year old son, who had not been at the residence this weekend as he was with his mother. James stated he had several of his friends over to his residence the night before (Saturday, November 21<sup>st</sup>), watching the Arkansas Razorback football game.

James advised that he knew the friends from work. He stated Victor Collins was the deceased male who was in the hot tub. Two other friends Owen McDonald and Sean Henry were also over, and were no longer at the residence.

According to James, he and his friends had been drinking beer and taken several shots of vodka. Following the conclusion of the football game Sean had left the residence. James, Victor, and Owen decided to get in the hot tub located on the back patio. James stated he and his friends continued to drink until approximately 0100 hours on Sunday, November 22, 2015, when he decided to go to bed for the night. James stated that Victor and Owen had decided to stay the night at his house because they were arguing with their wives, and he informed them they could sleep on his living room couch and a bed was available in his son's bedroom.

Shortly before the time of call, James awoke and exited his bedroom. James did not observe anyone on the living room couch, and walked into the kitchen. James began cleaning up some empty beer bottles lying on the kitchen counter and moments later opened the back door of the residence and observed a male laying face down and floating in the hot tub.

James ran over to the hot tub, flipped him over, and attempted to pull him out of the hot tub. James stated while he was pulling on Victor's body he realized Victor was deceased and called 911 for assistance. Owen was not located at the residence at the time of the call to 911.

James was read the Bentonville Police Department Consent to Search form. He stated he understood his rights, and consented to the search of his residence, vehicle, and person. He was then escorted out of the residence and remained outside for the duration of the investigation. Det. Oliver was notified to respond to the scene.

Upon Oliver's arrival, Adam briefed Det. Oliver of the aforementioned incident and how Victor's remains were discovered in the hot tub. Adam also advised him that the home owner, James, had given consent to search the residence.

Detective Oliver proceeded to enter the residence to the back yard. In the back yard on the patio was a Hot Springs Spa hot tub. Det. Oliver observed Victor's body lying in the water in the spa face up. Det. Oliver observed blood and pink foam coming from Victor's nose. Victor's left eye and lips appeared to be dark and swollen. The water inside the spa had turned a dark reddish tint that appeared to be discolored because of blood, feces and vomit.

There also appeared to be signs of struggle around the spa. Several knobs and head rests from inside the spa were lying on the ground near the spa. There were suspected blood spots around the rim and side of the spa. I also observed the head rests and knobs had suspected blood them as well. There was broken blue glass bottle and a broken beer bottle next to the spa. Part of the blue bottle was busted against the privacy fence across the yard on the north side. Det. Oliver then contacted Detective Boyle and Captain Thompson to respond and process the scene. Det. Boyle photographed the scene and swabbed some the suspected blood areas around the spa and seized it as evidence.

On Tuesday, November 24<sup>th</sup>, 2015, Det. Oliver contacted James Bates and Owen McDonald and asked them if they would voluntarily come to the Bentonville Police Department for further a further detailed interview. Upon their arrival, Sgt. Moffitt and Det. Oliver interviewed Owen McDonald while Cpt. Thompson and I interviewed James Bates. Neither James nor Owen remembered what happened to cause the death of Victor Collins. They stated that they were very intoxicated and recalled very little about the night of his death. During this time, James consented to having pictures taken of his hands and some injuries sustained to them, but no further examination was done at that time.

On November 25, 2015, Dr. Charles Kokes, Medical Examiner, advised me that Victor Collins death was ruled a homicide. After speaking with Dr. Kokes, Bentonville Detectives secured the residence mentioned above for a search warrant. I conducted the search, along with Detective Lieutenant Tony Marveggio, Detective Sergeant David Townsend, Detective Corporal Tracy Brown, Detective Corporal Josh Woodhams, and Detective Oliver.

Upon searching the interior of the home, we located three separate areas of what appeared to be dried blood. These areas were swabbed and collected as evidence to be sent to the Arkansas State Crime Lab for analysis. While searching the hot tub in the backyard of the residence, a set of broken glasses and a men's ring were discovered at the bottom, both of which were learned to have belonged to the victim in this case. Additionally, a broken shot glass was found in the hot tub and there was suspected blood spatter discovered on the covered awning located directly above the hot tub. These items, along with the observations of officers during the initial investigation, the medical examiner's findings, and the facts of this investigation thus far, suggest that a physical altercation occurred that resulted in the death of Victor Collins.

It should be noted that during a follow-up interview with Owen, he consented to an examination of his person for injuries and none were discovered. At the time of this writing, James has ceased cooperation with law enforcement. At the time of the initial search of his home when James reported Victor's death, James' truck was not thoroughly searched or processed and it was believed that it contained evidence related to the case

under investigation. The truck was later seized pursuant to the issuance of a search warrant and it is still in the process of being search at the time of this writing.

On December 3<sup>rd</sup>, 2015, the Honorable Judge Brad Karren reviewed and approved a search warrant for James Bates' residence once again, located at 3502 SW Elm Manor Avenue, specifically for the search and seizure of electronic devices capable of storing and transmitting any form of data that could be related to this investigation. Officers executed this search warrant on this same date and during the course of the search, I located an Amazon Echo device in the kitchen, lying on the kitchen counter next to the refrigerator, plugged into the wall outlet. I had previously observed this device in the same position and state during the previous search warrant on November 25<sup>th</sup>, 2015. I recognized this device from my previous training and personal experience as a product that Amazon.com sold to consumers for a variety of different services.

In summary and according to Amazon.com's website and other online sources, the Amazon Echo is a wireless speaker and voice command device. The device is cylindrical in shape and consists of a 9.25-inch (23.5 cm) tall cylinder speaker with a seven-piece microphone array. The device responds to the name "Alexa," which is a "wake word" that can be changed by the user to one other choice at the present, which is "Amazon." The device is capable of voice interaction, music playback, making to-do lists, setting alarms, streaming podcasts, playing audio books, providing weather, traffic and other real time information. It is also capable of controlling a variety of smart-home features, to include home security, lighting, and video surveillance, which are services offered by companies that are supported by Amazon Echo, to include WeMo. Amazon.com states that the Echo is equipped with an array of seven microphones, equipped with sensors that use beam-forming technology to hear users from any direction. With enhanced noise cancellation, Echo can hear users ask a question even while the device is playing music or if there is background noise. Echo then uses on-device keyword spotting to detect the wake word, either "Alexa" or "Amazon," and then lights up to stream what the user says to their cloud service, where Amazon leverages the Alexa Voice Service to recognize and respond to the user's request.



While searching James' residence, we discovered numerous devices that were used for "smart home" services, to include a "Nest" thermometer that is Wi-Fi connected and remotely controlled, a Honeywell alarm system that included door monitoring alarms and motion sensor in the living room, a wireless weather monitoring system outside on the back patio, and WeMo devices in the garage area for remote-activated lighting purposes that had not been opened yet. All of these devices, to include the Amazon Echo device, can be controlled remotely using a cell phone, computer, or other device capable of communicating through a network and are capable of interacting with one another through the use of one or more applications or programs. Through investigation, it was learned that during the time period of Victor's time at the residence, music was being wirelessly streamed throughout the home and onto the back patio of the residence, which could have been activated and controlled utilizing the Amazon Echo device or an application for the device installed on James' cell Apple iPhone.

The Amazon Echo device is constantly listening for the "wake" command of "Alexa" or "Amazon," and records any command, inquiry, or verbal gesture given after that point, or possibly at all times without the "wake word" being issued, which is uploaded to Amazon.com's servers at a remote location. It is believed that these records are retained by Amazon.com and that they are evidence related to the case under investigation.

#### **Search Warrant Extension**

On December 4<sup>th</sup>, 2015, Amazon.com was served with a search warrant that was reviewed and approved by Circuit Court Judge Brad Karren on the same date. The search warrant was sent through Amazon's law enforcement email service and was also sent through United States Postal Service Certified Mail to their corporate headquarters in Tumwater, Washington. The search warrant was received by Amazon through the mail on December 11<sup>th</sup>, 2015, and representatives with Amazon have been in contact with this agency since receiving the search warrant. In speaking with their law enforcement liaison, Greg Haney, I was informed on two separate occasions that Amazon was in possession of the requested data in the search warrant but needed to consult with their counsel prior to complying with the search warrant. As of January 29<sup>th</sup>, 2016, Amazon

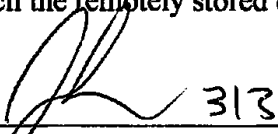
has not provided our agency with the requested data and an extension for the originally ordered search warrant is being sought.

The reliability of said Affiant has been established by the following;

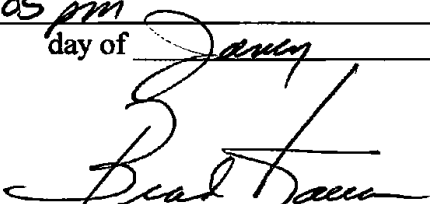
I, Detective Corporal Josh Woodhams, have been a Bentonville Police Officer for the past (9) years and a total of (10) years in law enforcement. I have had extensive training in criminal investigation, specifically related to personal crimes and evidence collection, as well as technology-based training and evidence handling processes related to this discipline.

**Non-Disclosure-** It is hereby ordered that the served party, Amazon.com, and any other involved parties, shall not supply information of this search warrant to anyone other than those necessary to comply with this search warrant.

It is further believed that the above-described items are in danger of being removed from said storage facilities or destroyed. It is, therefore, prayed by the affiant(s) herein that a Warrant to Search the remotely stored data, issue for the herein above-described items.

  
313  
\_\_\_\_\_  
Detective Corporal Josh Woodhams  
Bentonville Police Department

Sworn to before me and subscribed in my presence, at 5:05 pm, this 29<sup>th</sup>  
day of January, 2016.

  
\_\_\_\_\_  
HONORABLE CIRCUIT JUDGE  
Brad Karen

REPORT #2015-39460

**SEARCH WARRANT**  
**IN THE BENTON COUNTY CIRCUIT COURT**

STATE OF ARKANSAS     )  
                                      ) ss  
COUNTY OF BENTON     )

**FILED**  
2016 APR 18 PM 10 59  
BRENDA DESHIELDS  
CLERK AND RECORDER  
BENTON COUNTY, AR.

TO ANY SHERIFF, CONSTABLE OR POLICE OFFICER IN THE STATE OF ARKANSAS:

Affidavit having been made before me by Detective Corporal Josh Woodhams, Bentonville Police Department, Criminal Investigations Division, has reason to believe that Amazon.com is in possession of records related to a homicide investigation being conducted by the Bentonville Police Department,

there is now being retained certain records, namely electronic data in the form of audio recordings, transcribed records, or other text records related to communications and transactions between an Amazon Echo device (FCC ID ZWJ-0823) that was located at James A. Bates' residence of 3502 SW Elm Manor Avenue in Bentonville, Arkansas, and Amazon.com's servers and other computer hardware maintained by Amazon.com in another location, between the time period of November 21<sup>st</sup>, 2015, at 0001 Hours Central Standard Time and November 22<sup>nd</sup>, 2015, at 2359 Hours Central Standard Time,

which are stored and maintained by Amazon.com, as well as the purchase and billing history for the Amazon Echo device, the IP Address associated with Amazon Echo device utilized by **James A. Bates (White/Male, DOB: 06/05/1984) (Email Addresses: jamesbates84@gmail.com; jaber84@aol.com; jaber84@gmail.com; jaber84@yahoo.com; and any other possible email associated with the above mentioned subject)**, the Subscriber information for James A. Bates with Amazon, including all Subscriber information to include name, tax identification number (social security number or employer identification number), the physical address, mailing addresses, residential addresses, business addresses, e-mail addresses and any other address information, the credit information obtained or used by the company to grant account status, all phone numbers associated with account, billing records, all payments to include method, date and time of payments, and location (store name, address, and phone number of location where payment(s) were made), all Authorized users on the associated account, activation date and termination date of each device associated with the account and above listed device, types of service subscriber(s) utilized and services subscribed to, the make, model, and serial number associated with the above listed device including any and all equipment changes or device services for the life of the account, and all customer service and account notes,

which is evidence of the crime of Murder in the Second Degree, in violation of Ark. Code Ann. 5-10-103, et. Seq,

and I am satisfied that there is probable cause to believe that the data so described is being concealed within the storage facilities above described and that the for foregoing grounds for application for issuance of the search warrant exists. The Court further finds that there is reasonable cause to believe:

\_\_\_\_\_ That the place to be searched is difficult of speedy access.

☒ That the objects to be seized are in danger of imminent removal.

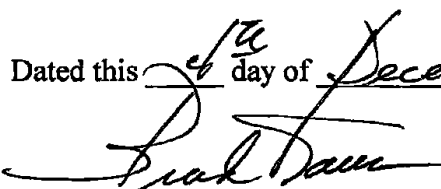
\_\_\_\_\_ That the warrant can only be safely or successfully executed at nighttime or under circumstances, the occurrence of which is difficult to predict with accuracy.

\_\_\_\_\_ That the officers are authorized to serve this warrant without complying with the "knock and announce" provision.

**Non-Disclosure-** It is hereby ordered that the served party, Amazon.com, and any other involved parties, shall not supply information of this search warrant to anyone other than those necessary to comply with this search warrant.

YOU ARE HEREBY COMMANDED to search within a reasonable time, not to exceed sixty (60) days, the storage facilities described above, for the property specified, serving this warrant and making this search between the hours of 6:00 a.m. and 8:00 p.m. and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property within the time as required by law, not to exceed five (5) days after execution of the warrant.

Dated this 14 day of December, 2015.

  
\_\_\_\_\_  
HONORABLE CIRCUIT JUDGE  
*Brad Kamen*

REPORT #2015-39460

**AFFIDAVIT FOR SEARCH WARRANT**  
**IN THE BENTON COUNTY CIRCUIT COURT**

STATE OF ARKANSAS     )  
  ) ss  
COUNTY OF BENTON     )

BEFORE THE HONORABLE CIRCUIT JUDGE, *Brad Karren*

**FILED**  
2016 APR 18 AM 10 59  
BRENDA DESHIELDS  
CLERK AND RECORDER  
BENTON COUNTY, AR.

The undersigned being duly sworn deposes and says: That he, Detective Corporal Josh Woodhams, Bentonville Police Department, Criminal Investigations Division, has reason to believe that Amazon.com is in possession of records related to a homicide investigation being conducted by the Bentonville Police Department,

there is now being retained certain records, namely electronic data in the form of audio recordings, transcribed records, or other text records related to communications and transactions between an Amazon Echo device (FCC ID ZWJ-0823) that was located at James A. Bates' residence of 3502 SW Elm Manor Avenue in Bentonville, Arkansas, and Amazon.com's servers and other computer hardware maintained by Amazon.com in another location, between the time period of November 21<sup>st</sup>, 2015, at 0001 Hours Central Standard Time and November 22<sup>nd</sup>, 2015, at 2359 Hours Central Standard Time,

which are stored and maintained by Amazon.com, as well as the purchase and billing history for the Amazon Echo device, the IP Address associated with Amazon Echo device utilized by **James A. Bates (White/Male, DOB: 06/05/1984) (Email Addresses: jamesbates84@gmail.com; jaber84@aol.com; jaber84@gmail.com; jaber84@yahoo.com; and any other possible email associated with the above mentioned subject)**, the Subscriber information for James A. Bates with Amazon, including all Subscriber information to include name, tax identification number (social security number or employer identification number), the physical address, mailing addresses, residential addresses, business addresses, e-mail addresses and any other address information, the credit information obtained or used by the company to grant account status, all phone numbers associated with account, billing records, all payments to include method, date and time of payments, and location (store name, address, and phone number of location where payment(s) were made), all Authorized users on the associated account, activation date and termination date of each device associated with the account and above listed device, types of service subscriber(s) utilized and services subscribed to, the make, model, and serial number associated with the above listed device including any and all equipment changes or device services for the life of the account, and all customer service and account notes,

which is evidence of the crime of Murder in the Second Degree, in violation of Ark. Code Ann. 5-10-103, et. Seq,

and that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows;

The records of the Bentonville Police Department reflect that on Sunday, November 22<sup>nd</sup>, 2015 at 0937 hours, Officers Andrew and Adam Corbett responded to 3502 SW Elm Manor Avenue, in reference to a death investigation. Dispatch advised James Bates contacted the police department via 911 to report Victor Collins was found deceased in the hot tub on the back patio at his residence.

Officer Andrew Corbett was first to arrive on the scene and entered the residence with Bentonville EMS. EMS advised at 0941 hours that Victor was deceased and they would not be rendering medical aid.

Officer Adam Corbett arrived shortly after and entered the residence and made contact with James Bates who was in the kitchen near the backdoor of the house. Adam asked James to have a seat in the living room and explain the events of what had occurred. James stated that he lives at the residence with his five year old son, who had not been at the residence this weekend as he was with his mother. James stated he had several of his friends over to his residence the night before (Saturday, November 21<sup>st</sup>), watching the Arkansas Razorback football game.

James advised that he knew the friends from work. He stated Victor Collins was the deceased male who was in the hot tub. Two other friends Owen McDonald and Sean Henry were also over, and were no longer at the residence.

According to James, he and his friends had been drinking beer and taken several shots of vodka. Following the conclusion of the football game Sean had left the residence. James, Victor, and Owen decided to get in the hot tub located on the back patio. James stated he and his friends continued to drink until approximately 0100 hours on Sunday, November 22, 2015, when he decided to go to bed for the night. James stated that Victor and Owen had decided to stay the night at his house because they were arguing with their wives, and he informed them they could sleep on his living room couch and a bed was available in his son's bedroom.

Shortly before the time of call, James awoke and exited his bedroom. James did not observe anyone on the living room couch, and walked into the kitchen. James began

cleaning up some empty beer bottles lying on the kitchen counter and moments later opened the back door of the residence and observed a male laying face down and floating in the hot tub.

James ran over to the hot tub, flipped him over, and attempted to pull him out of the hot tub. James stated while he was pulling on Victor's body he realized Victor was deceased and called 911 for assistance. Owen was not located at the residence at the time of the call to 911.

James was read the Bentonville Police Department Consent to Search form. He stated he understood his rights, and consented to the search of his residence, vehicle, and person. He was then escorted out of the residence and remained outside for the duration of the investigation. Det. Oliver was notified to respond to the scene.

Upon Oliver's arrival, Adam briefed Det. Oliver of the aforementioned incident and how Victor's remains were discovered in the hot tub. Adam also advised him that the home owner, James, had given consent to search the residence.

Detective Oliver proceeded to enter the residence to the back yard. In the back yard on the patio was a Hot Springs Spa hot tub. Det. Oliver observed Victor's body lying in the water in the spa face up. Det. Oliver observed blood and pink foam coming from Victor's nose. Victor's left eye and lips appeared to be dark and swollen. The water inside the spa had turned a dark reddish tint that appeared to be discolored because of blood, feces and vomit.

There also appeared to be signs of struggle around the spa. Several knobs and head rests from inside the spa were lying on the ground near the spa. There were suspected blood spots around the rim and side of the spa. I also observed the head rests and knobs had suspected blood them as well. There was broken blue glass bottle and a broken beer bottle next to the spa. Part of the blue bottle was busted against the privacy fence across the yard on the north side. Det. Oliver then contacted Detective Boyle and Captain Thompson to respond and process the scene. Det. Boyle photographed the scene and swabbed some the suspected blood areas around the spa and seized it as evidence.

On Tuesday, November 24<sup>th</sup>, 2015, Det. Oliver contacted James Bates and Owen McDonald and asked them if they would voluntarily come to the Bentonville Police

Department for further a further detailed interview. Upon their arrival, Sgt. Moffitt and Det. Oliver interviewed Owen McDonald while Cpt. Thompson and I interviewed James Bates. Neither James nor Owen remembered what happened to cause the death of Victor Collins. They stated that they were very intoxicated and recalled very little about the night of his death. During this time, James consented to having pictures taken of his hands and some injuries sustained to them, but no further examination was done at that time.

On November 25, 2015, Dr. Charles Kokes, Medical Examiner, advised me that Victor Collins death was ruled a homicide. After speaking with Dr. Kokes, Bentonville Detectives secured the residence mentioned above for a search warrant. I conducted the search, along with Detective Lieutenant Tony Marveggio, Detective Sergeant David Townsend, Detective Corporal Tracy Brown, Detective Corporal Josh Woodhams, and Detective Oliver.

Upon searching the interior of the home, we located three separate areas of what appeared to be dried blood. These areas were swabbed and collected as evidence to be sent to the Arkansas State Crime Lab for analysis. While searching the hot tub in the backyard of the residence, a set of broken glasses and a men's ring were discovered at the bottom, both of which were learned to have belonged to the victim in this case. Additionally, a broken shot glass was found in the hot tub and there was suspected blood spatter discovered on the covered awning located directly above the hot tub. These items, along with the observations of officers during the initial investigation, the medical examiner's findings, and the facts of this investigation thus far, suggest that a physical altercation occurred that resulted in the death of Victor Collins.

It should be noted that during a follow-up interview with Owen, he consented to an examination of his person for injuries and none were discovered. At the time of this writing, James has ceased cooperation with law enforcement. At the time of the initial search of his home when James reported Victor's death, James' truck was not thoroughly searched or processed and it was believed that it contained evidence related to the case under investigation. The truck was later seized pursuant to the issuance of a search warrant and it is still in the process of being search at the time of this writing.



On December 3<sup>rd</sup>, 2015, the Honorable Judge Brad Karren reviewed and approved a search warrant for James Bates' residence once again, located at 3502 SW Elm Manor Avenue, specifically for the search and seizure of electronic devices capable of storing and transmitting any form of data that could be related to this investigation. Officers executed this search warrant on this same date and during the course of the search, I located an Amazon Echo device in the kitchen, lying on the kitchen counter next to the refrigerator, plugged into the wall outlet. I had previously observed this device in the same position and state during the previous search warrant on November 25<sup>th</sup>, 2015. I recognized this device from my previous training and personal experience as a product that Amazon.com sold to consumers for a variety of different services.

In summary and according to Amazon.com's website and other online sources, the Amazon Echo is a wireless speaker and voice command device. The device is cylindrical in shape and consists of a 9.25-inch (23.5 cm) tall cylinder speaker with a seven-piece microphone array. The device responds to the name "Alexa," which is a "wake word" that can be changed by the user to one other choice at the present, which is "Amazon." The device is capable of voice interaction, music playback, making to-do lists, setting alarms, streaming podcasts, playing audio books, providing weather, traffic and other real time information. It is also capable of controlling a variety of smart-home features, to include home security, lighting, and video surveillance, which are services offered by companies that are supported by Amazon Echo, to include WeMo. Amazon.com states that the Echo is equipped with an array of seven microphones, equipped with sensors that use beam-forming technology to hear users from any direction. With enhanced noise cancellation, Echo can hear users ask a question even while the device is playing music or if there is background noise. Echo then uses on-device keyword spotting to detect the wake word, either "Alexa" or "Amazon," and then lights up to stream what the user says to their cloud service, where Amazon leverages the Alexa Voice Service to recognize and respond to the user's request.

While searching James' residence, we discovered numerous devices that were used for "smart home" services, to include a "Nest" thermometer that is Wi-Fi connected and remotely controlled, a Honeywell alarm system that included door monitoring alarms

and motion sensor in the living room, a wireless weather monitoring system outside on the back patio, and WeMo devices in the garage area for remote-activated lighting purposes that had not been opened yet. All of these devices, to include the Amazon Echo device, can be controlled remotely using a cell phone, computer, or other device capable of communicating through a network and are capable of interacting with one another through the use of one or more applications or programs. Through investigation, it was learned that during the time period of Victor's time at the residence, music was being wirelessly streamed throughout the home and onto the back patio of the residence, which could have been activated and controlled utilizing the Amazon Echo device or an application for the device installed on James' cell Apple iPhone.

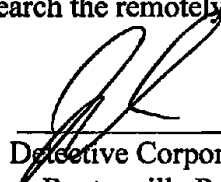
The Amazon Echo device is constantly listening for the "wake" command of "Alexa" or "Amazon," and records any command, inquiry, or verbal gesture given after that point, or possibly at all times without the "wake word" being issued, which is uploaded to Amazon.com's servers at a remote location. It is believed that these records are retained by Amazon.com and that they are evidence related to the case under investigation.

The reliability of said Affiant has been established by the following:

I, Detective Corporal Josh Woodhams, have been a Bentonville Police Officer for the past (9) years and a total of (10) years in law enforcement. I have had extensive training in criminal investigation, specifically related to personal crimes and evidence collection, as well as technology-based training and evidence handling processes related to this discipline.

**Non-Disclosure-** It is hereby ordered that the served party, Amazon.com, and any other involved parties, shall not supply information of this search warrant to anyone other than those necessary to comply with this search warrant.

It is further believed that the above-described items are in danger of being removed from said storage facilities or destroyed. It is, therefore, prayed by the affiant(s) herein that a Warrant to Search the remotely stored data, issue for the herein above-described items.

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Detective Corporal Josh Woodhams  
Bentonville Police Department

Sworn to before me and subscribed in my presence, at  
11:20 AM, this 4<sup>th</sup>  
day of December, 2015.

  
HONORABLE CIRCUIT JUDGE Brad Warren

REPORT #2015-39460